

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

**August, 2023 CRIMINAL TRIAL LIST FOR PORTLAND**

This list contains criminal cases that will be scheduled for trial in Portland during the month of August, 2023.

**Jury Selection is scheduled for August 1 (Tuesday) and August 2 (Wednesday) at 9:00 a.m.:<sup>1</sup>**

Prior to jury selection, Counsel should be prepared to submit to the Court, orally or *in camera*, a list of witnesses who may be called to testify at trial, so that the Court may inquire of the potential jury members whether they are acquainted with any of the witnesses.

**Filings:**

Any requested voir dire interrogatories; requested jury instructions, the need for which can reasonably be anticipated at that time; and trial briefs, not to exceed twenty (20) pages, shall be filed by July 25, 2023.

**Juror Questionnaires:**

Jurors summoned for selection are required to complete a questionnaire containing questions that will not be asked during jury impanelment. These questionnaires will be available in CM/ECF seven (7) days prior to selection and counsel are to review those questionnaires prior to selection. Only those questionnaires that are not available in CM/ECF will be available for review on the day of jury selection. Counsel of record will be provided access to these documents through the date of jury selection, after which the questionnaires will not be available for review.

**Notifying the Court:**

Counsel shall advise the Clerk not later than July 10, 2023 whether their case is firm for trial or is to be otherwise resolved. Any change of plea will be taken prior to jury selection.

Federal Rule of Criminal Procedure 50 requires that scheduling preference must be given to criminal proceedings as far as practicable. The District of Maine Speedy Trial Plan requires that the trial of those defendants in custody solely because they are awaiting trial or those defendants designated as high risk shall be given preference over other criminal cases. 18 U.S.C. § 3164(a).

**Motions for a Date Certain for Trial or for Protection from Trial:**

Any motion for a date certain for trial or for protection from trial shall be filed not later than July 25, 2023. After the deadline for filing such motions has expired, the Court will take the motions under advisement, as a whole, for determination of trial dates.

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<sup>1</sup> The Court will ordinarily plan to select 3 juries per day, with the second day held in reserve. Counsel should be prepared to select a jury on the first day, regardless of position on the trial list. The Court will notify counsel as soon as practicable if the second day is not needed.

**Pattern Criminal Jury Instructions:**

The Pattern Criminal Jury Instructions for the District Courts of the First Circuit are available for inspection in the Clerk's Office and can also be found on the District Court's Internet Home Page at [www.med.uscourts.gov](http://www.med.uscourts.gov).

Counsel are specifically directed to Local Rule 157.4 and should consult with the Court if there is any doubt regarding the application of this rule.

## Trials to Commence in August, 2023

1)	USA <u>Criminal No. 2:20-cr-00072-JAW</u>	v.	MARCUS MELLO
	Nicholas M. Scott, AUSA		Amber L. Tucker, Esq.
	Firm for Trial. Trial scheduled 8/28-8/31.		
2)	USA <u>Criminal No. 2:21-cr-00168-JDL</u>	v.	EVERLINE NIRAGIRA*
	David B. Joyce, AUSA		David R. Beneman, Esq. Daphne Hallett Donahue, Esq.
	*Defendant in Federal Custody		
3)	USA <u>Criminal No. 2:22-cr-00012-GZS</u>	v.	GLENN ROBBINS ETHAN CHASE NEIL HERRICK STEPHEN LITTLE JASON PARENT WESTERN SEA INC DUSTON REED NEW MOON FISHERIES INC SAMUEL OLSON SAM'S SEAFOOD LLC GLENN LAWRENCE
	David B. Joyce, AUSA Nicholas S. Heimbach, AUSA		Edward S. MacColl, Esq. Marshall J. Tinkle, Esq. William Maselli, Esq. Jeremy Pratt, Esq. Robert A. Levine, Esq. David J. Bobrow, Esq. Michael P. Turndorf, Esq. Alfred Cecil Frawley, IV, Esq. Jay P. McCloskey, Esq.
4)	USA <u>Criminal No. 2:22-cr-00044-GZS</u>	v.	DARIO GIAMBRO
	Nicholas S. Heimbach, AUSA		Edward S. MacColl, Esq. Marshall J. Tinkle, Esq.

5)	USA <u>Criminal No. 2:22-cr-00122-JDL</u>  David B. Joyce, AUSA	v.	BIANCA VAN VALKENBURG  David R. Beneman, Esq.
6)	USA <u>Criminal No. 2:23-cr-00011-JDL</u>  Johnathan Nathans, AUSA Nicholas S. Heimbach, AUSA  *Defendant in Federal Custody	v.	BRANDON DEARBORN*  Grainne Dunne, Esq.
7)	USA <u>Criminal No. 2:23-cr-00026-JDL</u>  Sheila W. Sawyer, AUSA Nicholas S. Heimbach, AUSA	v.	JUAN JOSE TORRES  Stacey D. Neumann, Esq.
8)	USA <u>Criminal No. 2:23-cr-00027-GZS</u>  Johnathan Nathans, AUSA Nicholas S. Heimbach, AUSA	v.	TYSON DYER  Grainne Dunne, Esq.
9)	USA <u>Criminal No. 2:23-cr-00030-NT</u>  Andrew McCormack, AUSA	v.	KENNEDY TANROSAY FRANCIS AGHEDO  Luke Rioux, Esq. Kristine C. Hanly, Esq.
10)	USA <u>Criminal No. 2:23-cr-00034-GZS</u>  Noah Falk, AUSA  *Defendant in Federal Custody	v.	MANDY SHOREY ANGEL LUIS LOZANO*  Cory R. McKenna, Esq. Roger F. Brunelle, Jr., Esq.
11)	USA <u>Criminal No. 2:23-cr-00049-GZS</u>  Lindsay Feinberg, AUSA  *Defendant in Federal Custody	v.	TYLER CAMPBELL*  Randall J. Bates, Esq.

12)	USA	v.	JEFFREY RICHARD
	<u>Criminal No. 2:21-cr-00150-JAW</u>		
	Craig M. Wolff, AUSA		Richard S. Berne, Esq. Peter E. Rodway, Esq.

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**ELECTRONIC EVIDENCE PRESENTER**

The U.S. District Court for the District of Maine offers various audio/visual equipment for members of the bar to use during hearings or trials. While each courtroom accommodates a different configuration of audio/visual equipment, they each accommodate the use of the Electronic Evidence Presenter (EEP).

The EEP consists of a digital document camera, a video cassette or digital video disk (DVD) player, and a projector. Images of exhibits (documents, photographs, negatives, objects, x-rays, transparencies, etc.) are displayed using the digital document camera permitting the judge, attorneys, witnesses and jury to view the images simultaneously. Using this equipment, the operator can zoom in on the most critical area of the exhibit in detail.

The EEP also allows attorneys to connect a laptop for presentation of evidence using PowerPoint or other presentation software. Attorneys **MUST** provide their own technical assistance in preparing the laptop evidence presentation. The court will not troubleshoot compatibility problems for attorneys using the EEP.

**Important:**

**Attorneys who wish to use courtroom audio or visual equipment at a trial or hearing are required to understand and be prepared to operate that equipment. Attorneys who plan to use their own electronic equipment (such as laptops) at hearing or trial must schedule time well in advance to practice and to test their equipment's compatibility with that courtroom's system.** Practice time should be scheduled with the Information Technology (IT) staff listed below for a date not less than two weeks prior to the hearing or trial.

The Court may deny the use of audio/visual equipment during a hearing or trial to attorneys who have failed to attend a practice session to confirm their equipment's compatibility with the court's system.

**RESERVING THE ELECTRONIC EVIDENCE PRESENTER AND SCHEDULING A PRACTICE SESSION**

Reservations for the EEP should be made two weeks in advance of the date of the proceeding. To reserve the equipment and/or to schedule a practice session, please contact:

I.T. Department for the U.S. District Court

[Helpdesk@med.uscourts.gov](mailto:Helpdesk@med.uscourts.gov)

207-274-5117

<http://www.med.uscourts.gov/nodeblock/courtroom-practices>